

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	CASE NO. 24-50224-MMP
	§	
GENESIS NETWORKS TELECOM SERVICES, LLC,	§	
	§	
<i>DEBTOR.</i>	§	CHAPTER 7

**AUSTIN TELE-SERVICES PARTNERS, LP'S EMERGENCY MOTION TO CONTINUE
NOVEMBER 5, 2024 HEARING ON JOINT MOTION TO TRANSFER VENUE [Dkt. No. 81]**

TO THE HONORABLE MICHAEL M. PARKER, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Austin Tele-Services Partners, LP (“ATS”) and files this *Emergency Motion to Continue* (the “**Motion to Continue**”) *the November 5, 2024 Hearing on Joint Motion to Transfer Venue* [Dkt. No. 81] (“**Joint Motion**”) filed jointly by the Trustee,¹ FSCLE, the GNI Trustee, and ARRIS (collectively, the “**Movants**”), respectfully showing the Court as follows:

1. On February 19, 2024, Genesis Networks Telecom Services, LLC (“**Debtor**”) filed its bankruptcy petition. Dkt. No. 1.
2. On October 27, 2023, FSCLE filed its Original Complaint against J.E. Goodman and Symbiont/GIH—and numerous other parties—in the United States District Court for the Northern District of Texas (the “**FSCLE District Court Case**”). FSCLE has amended its complaint three times.

¹ Unless otherwise specified herein, capitalized terms shall bear the same definition as in the Joint Motion.

3. On September 6, 2022, GNI was placed into an involuntary chapter 7 proceeding in the Dallas Court, and the order for relief in that case was filed on December 12, 2022. Case No. 22-31641-mvl, Bankruptcy Court for the Northern District of Texas, Dallas Division.

4. On October 2, 2024, the Movants filed their Joint Motion. ECF No. 81.

5. On October 21, 2024, ATS filed its Response in Opposition to the Joint Motion.

See Dkt. No. 90 (the “**Objection**”). Debtor filed a Joinder to the ATS Objection on the same day.

See Dkt. No. 91 (the “**Joinder**”).

6. The Court set a hearing for November 5, 2024 on the Joint Motion. The hearing is noticed to be in person. ATS timely filed its Witness and Exhibit List [Dkt. No. 100] and timely served its exhibits to all counsel via e-mail. ATS designated Mr. James E. Goodman as a witness for the November 5, 2024 hearing. Mr. Goodman is the manager of the General Partner of ATS and he is also the representative of the Debtor.

7. ATS requests an emergency continuance of the November 5, 2024 hearing to allow Mr. Goodman to recover. On the morning of November 4, 2024 at approximately 9:15 a.m., ATS’s counsel learned that Mr. Goodman is suffering from an illness, and given his health condition should not come to the Court to testify in person for the November 5, 2024 hearing. ATS’s counsel immediately contacted all other counsel and informed them of Mr. Goodman’s illness. Good cause exists for the continuance because Mr. Goodman was a manager of the Debtor and is also the manager of the General Partner of ATS. ATS has listed Mr. Goodman as a material witness for the November 5, 2024 hearing and intends to call him to testify at the hearing. *See* Dkt. No. 100. Mr. Goodman is unable to travel to court to testify, so a brief continuance is appropriate.

8. Counsel for ATS will continue to confer with opposing counsel to try to reach an agreement that mitigates the need for Mr. Goodman’s in-person testimony. One possible

alternative that has been discussed is for Mr. Goodman to testify remotely, but based upon ATS's counsel's prior practice in this Court, ATS understands that remote testimony on contested fact issues is not the Court's preference, nor is it the preference of ATS's counsel given the granular nature of Mr. Goodman's anticipated testimony.

9. This continuance is not sought for delay but rather so that justice may be done.
10. Counsel for Debtor is unopposed to continuing the November 5, 2024 hearing.
11. Counsel for the Trustee and FSCLE are opposed to continuing the November 5, 2024 hearing.

12. Counsel for ARRIS and the GNI Trustee have not yet responded to ATS counsel's conferral email.

13. ATS requests that the Court enter an order continuing the November 5, 2024 hearing on the Joint Motion to a future date that is mutually convenient for the Court and counsel, for at least one week or some date after November 12, 2024.

14. Pursuant to Local Rule 9013(b), a proposed order granting the relief requested herein is attached as Exhibit A.

WHEREFORE, Austin Tele-Services Partners, LP respectfully requests that the Court enter an Order continuing the hearing on the Joint Motion from November 5, 2024 to a mutually convenient date after November 12, 2024, and for such other or further relief that Trustee may be justly entitled.

Dated: November 4, 2024

Respectfully submitted,

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**ATTORNEYS FOR AUSTIN TELE-SERVICES
PARTNERS, LP**

CERTIFICATE OF CONFERENCE

I certify that on November 4, 2024, I contacted all counsel in this matter regarding the relief requested in this Emergency Motion to Continue Hearing.

Counsel for Debtor is not opposed.

Counsel for Movant FSCLE is opposed.

Counsel for Movant Trustee Rea is opposed.

Counsel for Movant GNI Trustee has not responded.

Counsel for Movant ARRIS has not responded.

/s/Randall A. Pulman

Randall A. Pulman

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CERTIFICATE OF SERVICE

I certify that, on the 4th day of November, 2024, the foregoing has been filed via the Court's CM/ECF System which has caused it to be served on the parties in this case registered for CM/ECF, as indicated below:

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EXHIBIT A

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IN RE:	§	CASE NO. 24-50224-MMP
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**ORDER GRANTING AUSTIN TELE-SERVICES PARTNERS, LP'S
EMERGENCY MOTION TO CONTINUE NOVEMBER 5, 2024 HEARING ON
JOINT MOTION TO TRANSFER VENUE [DKT. NO. 81]**

On this day came to be heard Austin Tele-Services Partners, LP's ("ATS") *Emergency Motion to Continue the November 5, 2024 Hearing on Joint Motion to Transfer Venue [Dkt. No. 81]* (the "**Motion to Continue**"). The Court, after reviewing the pleadings and representation of counsel, is of the opinion that the Motion to Continue should in all things be GRANTED.

IT IS, THEREFORE, ORDERED that the hearing on the *Joint Motion to Transfer Venue* set for November 5, 2024 is hereby continued to the date and time set forth above.

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Submitted by:

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